

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,604

IN THE MATTER OF:

Served February 26, 2014

	)	Case No. MP-2013-044
SMOOTH RIDE TRANSPORTATION, LLC,	)	
Suspension and Investigation of	)	
Revocation of Certificate No. 1066	)	
	)	Case No. AP-2013-091
Application of SMOOTH RIDE	)	
TRANSPORTATION, LLC, for	)	
Restrictive Amendment of	)	
Certificate of Authority No. 1066	)	

This matter is before the Commission on the application of Smooth Ride Transportation, LLC, (Smooth Ride), for reconsideration of Order No. 14,468, served January 8, 2014, which revoked Certificate No. 1066.

**I. BACKGROUND**

Certificate No. 1066 became automatically suspended on March 30, 2013, pursuant to WMATC Regulation No. 58-12, because of Smooth Ride's failure to maintain on file with the Commission proof of \$5 million commercial motor vehicle liability insurance. At that point, Regulation No. 58-12 required that Smooth Ride "suspend operations immediately and . . . not recommence operations unless and until otherwise ordered by the Commission," as noted in Order No. 13,827, served April 2, 2013, in Case No. MP-2013-044.

Order No. 13,827 gave Smooth Ride 30 days to replace the missing coverage and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1066. Smooth Ride paid the late fee on May 1, 2013, but did not replace the full \$5 million in coverage required under Regulation No. 58-02(c).

Instead, Smooth Ride filed an application on April 3, 2013, to add a seating capacity restriction to Certificate of Authority No. 1066 so as to lower the minimum insurance requirement to \$1.5 million under Commission Regulation No. 58-02(c). Smooth Ride's application was conditionally approved in Order No. 13,843, served April 4, 2013, in Case No. AP-2013-091. The order stipulated that Smooth Ride would have the 180-day maximum permitted by Regulation No. 66 to satisfy the conditions of approval. But as of June 20, 2013, Smooth Ride had yet to satisfy any of the conditions stipulated in Order No. 13,843. Moreover, there was no compliance notice in the record, as required by WMATC Rule No. 28, that would indicate Smooth Ride had ceased operating pending amendment and reinstatement of

Certificate No. 1066, as noted in Order No. 14,025, served June 20, 2013, in these combined cases.

Accordingly, Order No. 14,025 stipulated that Smooth Ride would have 30 days to show cause why the Commission should not assess a civil forfeiture against Smooth Ride, and/or revoke Certificate No. 1066, for knowingly and willfully conducting operations under a suspended certificate of authority.

Smooth Ride thereafter filed the restrictive-amendment documents required by Order No. 14,025 but failed to verify cessation of operations as of March 30, 2013. Accordingly, Order No. 14,468 revoked Certificate No. 1066 for Smooth Ride's willful failure to comply with Regulation No. 58 and Order Nos. 13,827 and 14,025.

## **II. RECONSIDERATION**

Title II of the Compact, Article XIII, Section 4(a), provides that: "A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration."

In its application for reconsideration, Smooth Ride cites the insurance provisions of "Title 49 Code of Federal Regulations" in a paragraph that reads like an assignment of error. Those insurance provisions may be found in a portion of Title 49 that contains the Federal Motor Carrier Safety Regulations (FMCSRs).<sup>1</sup> The Commission has adopted the FMCSRs as its own safety regulations,<sup>2</sup> but WMATC Regulation No. 58-19 stipulates that "[t]he Federal Motor Carrier Safety Regulations adopted and incorporated by reference pursuant to Regulation No. 64 shall not include insurance requirements."

Smooth Ride also cites WMATC Regulation No. 58-02 for the proposition that "WMATC vehicles with a seating capacity of 15 or less require \$1,500,000 of insurance coverage." That is not what Regulation No. 58-02 says. What it says is that carriers with unrestricted operating authority must maintain \$5,000,000 in commercial vehicle liability insurance and that carriers with operating authority restricted to vehicles seating 15 persons or less need only maintain \$1,500,000 in commercial vehicle liability insurance. And although Smooth Ride's application for restrictive amendment of Certificate No. 1066 was conditionally granted by the Executive Director, the full Commission ultimately revoked Certificate No. 1066 for Smooth Ride's failure to demonstrate that it ceased

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<sup>1</sup> *In re Rulemaking to Amend Rules of Prac. & Proc. & Regs.: Reg. No. 58*, No. MP-08-017, Order No. 11,077 (Jan. 14, 2008).

<sup>2</sup> *In re Rulemaking to Amend Rules of Prac. & Proc. & Regs.: Reg. Nos. 51 & 64*, No. MP-12-015, Order No. 13,385 (Aug. 15, 2012).

operating on March 30, 2013, as required by Regulation No. 58-12. Smooth Ride's application for reconsideration does not dispute this.

THEREFORE, IT IS ORDERED: That the application of Smooth Ride Transportation, LLC, for reconsideration of Order No. 14,468, served January 8, 2014, is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.  
Executive Director